



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,464	10/03/2005	Katharina Keller	00366.000206.	4439
5514 7590 09/17/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
MCMILLAN, JESSICA L				
ART UNIT		PAPER NUMBER		
2875				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,464

**Applicant(s)**

KELLER, KATHARINA

**Examiner**

JESSICA L. MCMILLAN

**Art Unit**

2875

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 11, 14, 15, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 9, 12, 13, 16-23, 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/03/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 11, 14, 15, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada (US 3,600,570).

Regarding claim 1, Okada discloses a light influencing element for directing the light issued from a light source into a predetermined angular range, wherein the light influencing element has a plurality of rib-like raster elements, which have reflecting side walls and are arranged in a regular structure, characterized in that, and wherein the raster elements have a maximum height of a maximum of 5mm.

Regarding claim 2, Okada disclose the light influencing element according to claim 1, wherein the raster elements are held together via a side frame.

Regarding claim 10, Okada discloses the light influencing element according to claim 1, wherein the element is injection moulded part.

Regarding claim 11, Okada discloses the light influencing element according to claim 1, wherein the raster elements are of PMMA.

Regarding claim 14, Okada discloses the light influencing element according to claim 1, wherein the raster elements are linearly formed and arranged parallel neighboring one another.

Regarding claim 15, Okada discloses the light influencing element according to claim 1, wherein the raster elements are linearly formed and arranged in a crossing structure.

Regarding claim 24, Okada discloses a luminaire having a light source and a light influencing element according to claim 1.

Regarding claim 25, Okada discloses the luminaire according to claim 24, characterized in that, wherein the light source is two dimensional.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Guth (US 2,143,148).

Regarding claim 4, Guth discloses a light influencing element for directing the light issued from a light source into a predetermined angular range, wherein the light influencing element has a plurality of rib-like raster elements, which have reflecting side walls and are arranged in a regular structure, comprising a transparent base plate on the one having a broad side of on which the raster elements are arranged.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Ellens et al. (US 2003/0026096 A1).

Regarding claim 3 and 6-8, Okada discloses the light influencing element according to claim 1 but is silent about comprising a transparent base plate. Ellens et al. disclose an LED-Based planar light source that comprises a transparent base plate (6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a transparent base plate in the element of Okada as taught by Ellens et al. in order to achieve a desired illumination from the device.

***Allowable Subject Matter***

Claim 28 is allowed.

The following is an examiner's statement of reasons for allowance: prior art taken alone or in combination, fails to disclose or render obvious, a raster arrangement having a plurality of raster elements arranged neighbouring one another, having reflecting side walls for effecting an anti-dazzling effect of the light emitted from a light source, wherein the raster elements are formed by profile lamella elements produced by solid material injection molding each of which is held at two ends by a frame part.

Claims 9, 12, 13, 16-23, and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: prior art of record taken alone or in combination, fails to disclose or render obvious, a light influencing element comprising raster elements of transparent material wherein at least the side walls and end surfaces of the raster elements away from the light source are provided with a reflecting layer (claim 9), spacing between two raster

elements corresponds to about double the height of the raster elements (claim 12), raster elements having a height of about 1 mm and the spacing is about 2 mm (claim 13), raster elements that are ring shaped (claim 16), ring shaped raster elements arranged in a honeycomb pattern (claims 17, 18 and 19), raster elements having a V-shaped cross section (claim 20), raster elements having a parabolic cross section (claim 21) raster elements having a ribbed cross section (claim 22 and 23), and an illumination base having individual light sources arranged on a side surface of a base plate towards the raster elements (claim 26 and 27) in combination with the rest of the limitations of the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. MCMILLAN whose telephone number is (571) 272-5510. The examiner can normally be reached on 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLM  
September 11, 2008

/Stephen F. Husar/  
Primary Examiner, Art Unit 2875